

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TANYA FOSTER-DEMERS,)	
)	
Plaintiff,)	Case No. 08 C 2461
)	
v.)	
)	
CHICAGO BOARD OF EDUCATION,)	Judge Ronald Guzman
)	Magistrate Judge Ashman
Defendant.)	

DEFENDANT BOARD'S AFFIRMATIVE DEFENSES

Defendant Board of Education of the City of Chicago ("Board"), by and through one of its attorney, Assistant General Counsel Jennifer Y. Wu, hereby submits its affirmative defenses to plaintiff's complaint:

First Affirmative Defense

Defendant acted in good faith, in conformity with, and in reliance on written rulings or enforcement policies with regard to all applicable laws.

Second Affirmative Defense

Defendant established a reasonably accessible procedure by which alleged victims of discrimination, harassment, retaliation, or other inappropriate activities could make their complaints known to appropriate officials who were in a position to respond to complaints. Plaintiff unreasonably failed to use such procedures or to otherwise avoid harm.

Third Affirmative Defense

Allegations which Plaintiff failed to raise before the Equal Employment Opportunity Commission are barred.

Fourth Affirmative Defense

Plaintiff's prayer for relief must fail to the extent that plaintiff has failed to mitigate her damages.

Fifth Affirmative Defense

Plaintiff's damages are limited under 42 U.S.C. § 2000e-5(g)(2)(B).

Sixth Affirmative Defense

Plaintiff's requested or necessary accommodation would have imposed an undue hardship on the operation of Defendant's business. *See* 29 C.F.R. § 1630.15.

Dated: August 6, 2008

Respectfully submitted,

PATRICK J. ROCKS,
General Counsel

By: s/ Jennifer Y. Wu
Jennifer Y. Wu
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CERTIFICATE OF SERVICE

I, Jennifer Y. Wu, an attorney do hereby certify that I caused the attached **Defendant Board's Affirmative Defenses** to be served upon counsel of record *via* CM-ECF E-Filing pursuant to the General Order on Electronic Case Filing, Section XI(C), on the 6th day of August, 2008.

s/ Jennifer Y. Wu